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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD HARTMAN,

Defendant.

Case No.: CR 20–126 VC

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SUPPORT OF DEFENDANT’S
SENTENCING MEMORANDUM**

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Dated: May 11, 2021

Respectfully submitted,

GEOFFREY A. HANSEN
Acting Federal Public Defender
Northern District of California

/S/

ANGELA M. HANSEN
Assistant Federal Public Defender

EXHIBIT A

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

Dear Your Honor,

I am not sure how to even begin this letter. I know that the most important thing to me, personally, in writing it is to at least *try* and convey the more-than-remorse I feel at my actions. Actions both shocking and disturbing. At the same time, those feelings are not a static thing. They have changed and evolved, and I think it is important to, as best I can, give some sense of that evolution.

Rather than try to re-create through words what that remorse felt like at its most intense, I would like to share my description of it at the time I was feeling it, through a letter that I wrote to my family:

"I imagine shame as an intensely bright light shining onto a stage I'm standing on, with a world's worth of eyes judging what is seen. The light is blinding, so I can't see past the stage itself and all I can do is curl up and wait for the light to turn off. That is shame though, which implies external observation. Take that same light and put it into a small room. This time there is no external audience, instead the light, the person being judged and the harsh vision of the one doing the judging are all the same, and there is no hope for the light turning off. This is what this is for me. The problem is that it is too intense for me to do anything with it."

That intensity never faded, but --through tools I talk about in another letter to the Court-- I have found ways to work with it, to grow, and to more clearly understand why it is so intense, which means looking more honestly look at what I have done.

I participated in the horrific victimization of children. To be honest, that is not how I worded it, or thought about it, to myself at the time of my arrest. There was an immense amount of self-disgust and even self-hatred, but there was also an unhealthy dose of self-deception that contradicted those appraisals of myself. That self-disgust arose from a recognition at some level that that is what I had done, but I wasn't capable of seeing that honestly. Instead, I framed it to myself as--and I'm ashamed to say it--"looking at pictures that have nothing to do with me."

That was a lie to myself. Beyond the legalistic "creating a market" argument, in a very real way the abuse in those materials was re-created with every one of my downloads. Understanding it this way doesn't allow me to sanitize what I had participated in as one category of "pornography" among many, it makes the self-deception that much harder to maintain. When I think about what I have done, now, that is the language I use in my own thoughts.

Part of coming to terms with my own guilt has been trying to understand what it must be like for those victims. Again, in a very real way, it is not just images being propagated, but their victimization being re-created over and over. I look at my own feelings as described in that letter and understand that this must be a tiny fraction of what those victims feel when they think about their abuse being played and replayed all over the world, to eyes that they will never see and to people who could be the person standing next to them in line at the grocery store, or their classmates, or colleagues or the stranger offering them a smile on the street. After my arrest, I cringed at eye contact with strangers. I can't imagine what it like for them, I can only regret that I helped create a world where they have to feel that.

Beyond that, I also betrayed my family, in more ways than one. They have a stake in who I am as a person. My mom, my step dad and my brothers all raised me. To have them see the brother and son they raised in this light is and has been painful, for everyone. At the same time, it's damaged trust not just in me but in my family as a whole. This shook the very ground of our family relationships, bringing doubt where there was none before, doubt that's more fundamental than just having to re-evaluate me as the person they thought they knew, but doubt about the family we all thought we had. Getting over my own shame enough to help heal at least some of that has been painful, but necessary. There have, of course, been many painful discussions.

There is a lot of talk in therapy and other forms of self-reflection about self-forgiveness. I never liked or understood the concept. Forgiveness, it seemed to me, necessarily implied a giving of something to another. Anyone in the world can forgive a person *except themselves* is the way I thought of it. My thoughts on that have changed.

If I could look at myself and my actions with sufficient clarity to know the causes of those actions and see the person who committed them as a different person because those causes had been addressed and the person fundamentally changed, I would be able to forgive that person. In fact, I think, now, that that is a necessary step in that change. Truthfully, I am not there yet, but I am working earnestly to get there. Taking responsibility for my acts, understanding them more clearly, accepting the consequences of them and participating in that entire process by formally acknowledging that responsibility through my guilty plea--rather than just some step in a sterile legal process-- is all a part of that.

Another part of that is looking at why I did what I did. That has and continues to be an excruciating process. I am not now and have never been sexually attracted to children. That doesn't answer anything though, that just makes it harder to see what was actually going on. I've come to realize that it was a form of self-destruction.

It was some equivalent of physical self-harm: turning experiences and emotions I didn't know how to deal with onto myself, turning myself into an object of self-loathing, because that was at least a solid thing I could diminish. That self-loathing wasn't a side effect, it was itself the purpose of my actions that led me to become obsessed with online games, pornography and politics. I didn't know how to work through and rid myself of a lot of negative feelings and thoughts and patterns, so I turned myself into a sort of stand-in for those things.

I say that not to excuse or minimize my acts, but hopefully to show that my understanding of what my acts has evolved and continues to evolve. Because of that evolution and because of the tools I've worked diligently to find, I know that those acts are firmly in the past. It doesn't change the fact that I need to face consequences for them, but it does mean that I would never again re-commit them.

Of course, that is only part of the reality I'm now facing. The other part is what life looks like going forward. The truth is, I don't know. But I would like to share what I do know.

When I was first arrested, it seemed my life was over. That is not true. What is true, though, is that *a* life is over. I have lost a flourishing career, a professional network of lawyers and judges, and close friends.

I have to rebuild. I can't in any honesty say what that rebuilding looks like because even the immediate future isn't clear and isn't under my control.

What is within my control though is what that life's grounding is. I know my life previously didn't reflect my values. To be blunt, I didn't know myself well enough to even understand what those values truly were. I did very well in law school, and because of that I was sort of gifted the professional path I was on. It was not something I sought out, I just sort of went with the flow. That is, actually, a lot of my life previously: successes that didn't feel like they were mine because I wasn't invested in them. That aimless dissatisfaction added to a cycle of depression whose end point was my self-imposed isolation, my internet obsession, my crime and my subsequent arrest.

Beyond the "internal" work I have been doing since my arrest, I am taking steps to make sure that my external reality also changes and affirms and reinforces the internal changes I'm making. I truly believe I have some unique abilities that can contribute to both the people in my life and society as a whole. I see it already in the organizations I've become involved with since my incarceration.

One of those abilities is teaching. At the same time, I know that part of maintaining my mental health is staying engaged and connected directly with people, something my previous career as a legal tax analyst didn't emphasize. Finally, I know that pragmatically this conviction will drastically restrict the options available to me. Taking all of this into account, I am in the process of being certified as a personal trainer, a certification that hopefully will be complete by the time of my sentencing.

I know the future will be difficult because of my own actions, but I also know I am better equipped now to deal with that difficulty than at any point in my past.

I express all of this not only to give the Court a glimpse of me as a person, a glimpse of how seriously I take my actions and a glimpse of what I am doing to make of myself a better human being, but also in hopes that the Court takes into account the potential of that person in sentencing me.

Respectfully,

Richard Hartman

EXHIBIT B

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

jeremybcoles@gmail.com
4096 Piedmont Ave # 325
Oakland, California 94611
Phone: 510-339-6733

Jeremy Coles, Ph.D. Licensed Clinical and Forensic Psychologist
PSY15992

EDUCATION

September 1998

Licensed Clinical Psychologist

1992–1996 The Wright Institute Berkeley, CA- APA accredited

Ph.D- Doctorate of Philosophy in Clinical Psychology

Dissertation Topic: Personality Correlates of Coronary Prone Behavior in a High Risk Population.

1982–1987 Rutgers University New Brunswick, NJ - Bachelor of Arts in Political Science; Minor, Psychology.

CLINICAL WORK EXPERIENCE

09/1996- present

Private Practice

Psychodiagnostic testing of children and adults. **Conducted over 1500** evaluations including violence risk assessments, diagnostic assessments, competency evaluations, and not guilty by reason of insanity evaluations in hospital and forensic settings. I have **testified in over 100 court cases** in the State of California.

02/2005- present

Qualified Medical Examiner CA

Psychological Evaluations of individuals filing Worker 's Compensation Claims in the State of California. Evaluations include full psychological work ups, extensive psychological testing, and comprehensive record reviews.

07/2012- present

California Department of State Hospitals Sexually Violent Predator Evaluator

Psychological Evaluations of individuals who are determined to potentially meet the criteria as a sexually violent predator. These evaluations consist of an extensive record review, a clinical interview and written reports. This work also includes testifying in cases that go to trial.

2004-present

Alameda County Alienist Panel

Psychological Evaluations ordered to assess matters related to PC1026, PC1368, and PC288.1 Evaluations include interviews with the inmate, lawyers and other relevant individuals. Evaluations also include a document review and testing as needed for malingering, psychopathology, cognitive functioning and competency.

2015- Present

Alameda County Murphy Conservatorship Panel

Psychological Evaluations of individuals who are being considered for Murphy Conservatorship. Evaluations include interviewed with the inmate, review of records, clinical assessment of underlying severe mental disorder, competency evaluation and violence risk assessment.

10/2014-present

Contra Costa County Alienist Panel

Psychological Evaluations ordered to assess matters related to PC1026, PC1368, and PC288.1 Evaluations include interviews with the inmate, lawyers and other relevant individuals. Evaluations also include a document review and testing as needed for malingering, psychopathology, cognitive functioning and competency.

04/2016-present

San Mateo County Alienist Panel

Psychological Evaluations ordered to assess matters related to PC1026, PC1368, and PC288.1 Evaluations include interviews with the inmate, lawyers and other relevant individuals. Evaluations also include a document review and testing as needed for malingering, psychopathology, cognitive functioning and competency.

04/2016-present

San Francisco County Alienist Panel

Psychological Evaluations ordered to assess matters related to PC1026, PC1368, and PC288.1 Evaluations include interviews with the inmate, lawyers and other relevant individuals. Evaluations also include a document review and testing as needed for malingering, psychopathology, cognitive functioning and competency.

09/2001-2010

California Forensic Assessment Project CA

Conditional Release Program- Full Psychological Evaluations of individuals who are currently involved in the California Conditional Release Program. These evaluations involve risk assessment, diagnostic assessment and treatment planning issues.

05/2002- 2016

US Pretrial Services CA

Psychological Evaluations of individuals facing criminal charges. These evaluations include competency evaluations, drug treatment amenability evaluations and comprehensive psychological evaluations.

09/2004- 07/2012

Mentally Disordered Offenders Panel CA

Psychological Evaluations of incarcerated individuals who are being considered for Mentally Disordered Offender Status. These evaluations include cognitive screening, historical record review, a clinical interview and written reports.

02/2002- 07/2012

Sexually Violent Predator Panel CA

Psychological Evaluations of individuals who are determined to potentially meet the criteria as a sexually violent predator. These evaluations consist of an extensive record review, administration of the Hare Psychopathy Checklist, a clinical interview and written reports. This work also includes testifying in cases that go to trial.

05/2000- 09/2008

602 Alienist Panel, S.F. Juvenile Court SF, CA

Court ordered psychodiagnostic testing and evaluations of juveniles in the custody of the court. Evaluations involved disposition questions as well as competency determinations.

07/1997-07/1998

Psychological Assistantship Oakland, CA

Provide individual psychodynamic therapy to adults and children with personality, adjustment and affective disorders. Psychodiagnostic testing of adults.

07/1995 – 07/1997 UCSF/Mt. Zion Dept. of Psychiatry S.F, CA

Psychology Intern-Provide individual psychodynamic therapy to adults with a broad range of psychiatric diagnoses. Psychodiagnostic testing.

Participation in a broad range of educational and training conferences.

Assessment Trainee-Psychological assessment of adult patients in an outpatient day program for chronically disturbed individuals. Full battery write-ups and case conference presentations for each client tested.

09/1993- 08/1994 Wright Institute Berkeley, CA

Practicum Trainee

Provided individual therapy to adults with personality and affective disorders. Intakes of prospective clients including full clinical interview, mental status examination and intake reports.

Participation in case conferences and individual supervision.

CONTINUING EDUCATION

Sept 1999 Family Violence and Sexual Assault Institute CA

Domestic Violence Training Program: Practical Applications for Custody Evaluations. (14 hours)

Sept 1999 California School for Professional Psychology

Forensic Neuropsychology- Evaluation of Criminals (8 hours)

EXHIBIT C

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

Dear My Honor,

February 2, 2021

My name is Elaine Kay, and I'm Richard Hartman's Mother.

First, I want to clarify there are no justifications for Rick's committing the crime and has pled guilty of committing.

Rick has never denied or tried to make excuses for his possession of child pornography to my husband or me.

Once Rick was transferred to the Federal system, the charge of processing of child pornography became clearer and more evident, and has professionals handling his case.

Thank you for allowing me to explain to the Court Rick's past as it pertains to his case.

I believe you have information on the dynamics and pertinent information about our family. I hope I can express to you why Rick arrived at this point.

For years Rick has been off and on severely depressed and at times had ended up being reclusive.

When Rick started kindergarten, we were living in Colorado. When he was in the first grade, I realized something was wrong. He started creating problems in school. Getting into fights and disrupting the class. He seemed angry at the world.

My husband Bill, Rick's stepfather, was transferred to Everett Washington when Rick entered the third grade, where he settled down and did very well.

When Rick was entering Jr. High School Bill transferred back to Ft Collins, Rick's Father, Ron, still lived in Ft. Collins. Ron and I always wanted Rick to live with Ron for a while, so Rick and Ron could know each other as Father and Son. This seemed to be a perfect opportunity.

I stay in Washington to run a business I had started and was becoming successful. Bill rented a condo in Ft Collins near Ron's house, and Bill and I started our 'Commuter Marriage'. I spent as many weekends and holidays in Colorado as possible to be with Rick.

When Rick started Jr. High School, he started having a difficult time, again seemed angry. We couldn't figure out why. I thought it might be something to do with his Father. But Rick always denies any issues with their relationship. Ron agreed with him; Rick seemed very unhappy.

The year Rick entered high school, Bill was transferred to HP's headquarters. Rick came to live with us. We put Rick in private school. He was a poor student and graduated close to the bottom of his class.

Because he received a high score on the college exams he was able to get into a college in Southern Calif., Rick was dismissed from that college in his second year because of low grades.

He started at another college and lived in an apartment instead of campus dorms. The landlord called us and said he was going to evict Rick.

We flew down immediately; Rick never left the apartment except at night to buy food. All the drapes were drawn and Rick looked like hell, The apartment and his car a total mess. We cleaned up the apartment and car, got him back in school, and sent him to counseling. The doctor put Rick on Prozac. It worked for a while. Rick then quit taking Prozac and left college.

Rick seemed he was trying to destroy himself. He never hurt anyone else, just himself. I expressed this to my husband and Rick's brothers often.

This time Rick came to live with us. He found a job as an electrical apprentice and met and married a wonderful woman. She knew how to help Rick when the depression episodes started. She was able to stop the progression.

Rick decided to go to law school at night. We all thought the law was perfect for him. Unfortunately, his marriage could not take the strain. His wife did not want him to attend law school. He was working, going to night school after work, and continuously studying. She started to drink to much and had three miscarriages. They divorced, and he moved in with us.

He finished law school as class Valedictorian and past the California law exam on the first try.

Short after passing the law exam he was hired by Oracle working in their tax department, started with a six-figure salary. He stayed at that Oracle for five years. Rick discovered he had a passion and an unusual talent for taxes

After five years with Oracle and doing well and built a good reputation, Rick decided he would take this opportunity to start his tax consulting firm.

After approximately a year, I became concerned. Rick was showing signs of depression again. He was working from home and seemed to me he was becoming reclusive again. Then we received the call from the San Mateo County Jail.

I know this will sound strange, he's arrest, the transfer to the Federal Court system taking his case, started Rick on a positive path.

The Court put Rick in my custody at the end of Feb. 2020.

Two weeks after taking custody, Covid-19 became an issue, and 'shelter in place' went into effect.

Transferring to the Federal system, Rick living with us and 'shelter in place' simultaneously was a blessing.

Rick and I started having serious, lengthy and productive discussions. At times Rick broke down, sometimes crying so hard he couldn't stop.

With our discussions. I discovered Rick had been sexually molested by women, twice. At a young age. All happened while we were living in Ft. Collins.

The first time when he was approximately 3yrs old by a female babysitter. She was doing it to him when one of Rick's older brothers Jim, arrived home. Jim did not see them. Rick knew when she started; it must have been wrong because the girl was shaking and quickly got Rick dressed when she heard Jim arrive.

The next occasions he was in elementary school and went to a child care center. A female attendant repeatedly sexually molested while at facility he was going to after school. Again a woman. Rick said he could not figure out why she always picked him out of all the other boys in the care center.

I honestly believe Rick will never be and has never do physically or mental harmed any person, child, adult or animal. He never has been a danger to anyone except himself.

All throughout his early adult years, he has had a deep connection to Buddhism. He attended two Buddhist retreats during his college years.

While in our custody Rick started working with a Buddhist Master often and in earnest to become a Buddhist. Which we applaud and support. He also completed a course and has his personal trainer certification which he start using after he has completed his Federal obligation.

This experience has enriched Rick's life and our family bond. Rick for the first time no long is angry. I give a lot of credit to his present circumstances. Unfortunately, it had to become this severe before seeking help.

That is the bad news, the good news it happened and Rick is doing better than ever in his adult life and faced his demons head on.

Respectively,

A handwritten signature in black ink, appearing to read 'Elaine Kay', written in a cursive, flowing style.

Elaine Kay

EXHIBIT D

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

January 30, 2021

Dear Your Honor,

I am the youngest of Richard Hartman's (Rick) three half-brothers: nine year's older than Rick. It is a challenge knowing of his crime while at the same time choosing to continue to have a relationship with him. I currently choose to have a relationship with him for a few reasons.

I have had many long, in depth, and what I believe, honest conversations with him throughout our lives and quite a few since he was arrested. I believe he is aware of what he did, that he is genuinely remorseful, and he is earnestly trying to create a new life and a new meaning for him to live his life. I do not believe he will reoffend. And I know he would never physically harm another.

I have struggled with bouts of depression throughout my life. That depression has enabled me to somewhat understand Rick's much more severe clinical depression, which we have discussed many times throughout the years. In the 1990's, while I was living in Seattle and he was in Arizona, I found out that no one could get a hold of him for weeks. I could not get a hold of him either. I chose to fly down to Arizona. I found him in his two-room apartment, filled knee high with pizza boxes, coke cans, and cigarette butts. No alcohol, no drugs, just severe depression that kept him from leaving the house for weeks (months?). I helped him clean up, better furnish the apartment, and spent time with him so that he would get the help he needed (which he did).

I can understand that his self-destructive behavior and severe depression affects most of the rest of his life. It doesn't explain or forgive what he has done--nothing ever can. But I do know that he is devastated because of what he has done. I have chosen to continue to have a relationship with him because of what I know of the rest of him. He will be paying for his crime the rest of his life. And he is, and I believe always will be, working to compensate for his actions.

Respectfully,

Scott Lathe

EXHIBIT E

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

Your Honor,

February 1, 2021

You will soon be sentencing Richard Hartman and I am writing a letter to provide you with some additional perspective regarding his person.

I am Richard's step-father and have now known him since 1978 when he was five years old. I became his step-father in 1980 and more recently, he has been living with us for almost a year since he was released into his Mother's custodial care.

We are aware of the charges against Richard and were devastated when that they were for child pornography. We first believed his involvement was minimal, but it gradually became clear that his possession was larger.

When he was arrested, I know he was in bad shape mentally. I was the one to clean out his home and it took days. Trash covered his floors and you would not have wanted to use any of the fixtures in the bathroom. That wasn't the first time we had seen him in a deep depression with his dwelling in bad shape, but it had been years. In between he was married, divorced, earned a law degree at Lincoln Law School in San Jose, and graduated as valedictorian of his class. Following that he had five years of success working at Oracle. He left to be on his own and start a consulting business (with an offer from Oracle to return). My belief is that the isolation eventually led to a downward spiral. His home at the time of his arrest showed he was in a deep depression and I believe he was in a lot of mental pain.

Following his arrest, he was in the San Mateo County jail for several months, was transferred into the Federal system for a few weeks, and then my wife, Elaine, was given custody of Richard.

We have been encouraged as we have seen him improve in his openness, in his acceptance of what he has done, and in his desire (and actions) to make positive changes in his life.

During this past year, he has been housebound with us because of COVID-19 and could not work. He has worked on improving the foundations of his life both socially and spiritually, and he has been helpful as we have lived with the constraints of the pandemic. He was of great help when his Mother had serious health issues last summer. Richard is very intelligent, very well versed in world affairs, and we have enjoyed his companionship.

Never have I felt that Richard was a danger to others, and during this past year I have not been aware of any depressions.

Respectfully,

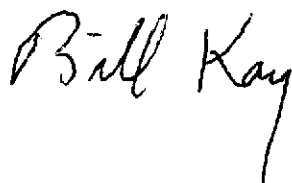
A handwritten signature in black ink that reads "Bill Kay". The signature is written in a cursive, flowing style with a long, sweeping underline.

EXHIBIT F

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

Dear Your Honor,

Richard Hartman is my youngest brother, I am the oldest of four.

Rick has always suffered from depressive moods over the decades and, during the period in question for which he has been arrested and facing consequences, was definitely a bad one. I can attest to that based on my interactions with him (which were much reduced because he was avoiding contact with many at the time. Also, after his arrest, I helped my step-father clean his apartment. I cannot describe how horribly filthy it was and the disarray and disrepair. It was bad enough that I refused to enter the bathroom. This absolutely does not minimize or excuse his actions. I am still having a very difficult time reconciling his actions with what I know of him. Hearing the news shocked me to my core and was one of the worst possible news I could have heard. He definitely needs help and whatever consequences the court deems necessary.

He has shown deep remorse to me and our family and understands the gravity of the situation as he has expressed it sincerely to me many times over the last year. I can only say, whatever the consequences and future holds, his parents and brothers will be there to support him in whatever he needs to rectify this and his life

Respectfully yours,

Warren C. Lathe III

EXHIBIT G

**EXHIBITS IN SUPPORT OF
DEFENDANT'S SENTENCING
MEMORANDUM**

From: [James Lathe](#)
To: [Angela Hansen](#)
Subject: Richard Hartman
Date: Sunday, January 31, 2021 5:56:18 PM

Dear Your Honor,

This letter is concerning my brother Richard Hartman.

Rick is 12 years younger than I am. I wasn't around much during his early years growing up. But during our lives I have gotten to know him quit well.

I know that he has been there for me many times during our lives.

Years ago, I got divorced and got custody of my 3 children. The 4 months after the divorce was very difficult and Rick dropped everything to come help us out. During this time he watched my children while I was at work. There was never any issues and my kids still love and respect him. He did a great job and my kids loved him being there. And I don't know what I would have done without him.

Less then 2 years ago I lost my daughter. She battled for 3 months before she died. Rick was there for her and I, in many ways, more than any other family member.

I can not address his offenses directly but to say that I have never felt uneasy leaving my kids with him and I still feel the same about leaving my grandchildren with him today.

Respectfully,
James Thomas Martinez-Lathe

EXHIBIT H

EXHIBITS IN SUPPORT OF DEFENDANT'S SENTENCING MEMORANDUM

Dear Your Honor,

I have started and stopped and erased and re-written this letter several times. I had hoped to keep it relatively short and to the point. Speaking about what steps I've taken to address the issues that underlie what led to these serious charges and my incarceration, however, doesn't mean much without context. So, I hope here to do several things: give some emotional context to the steps I'm taking to address those issues, describe how those steps directly impact that context, and to demonstrate that my commitment to my own mental health is both real and newly found.

Soon after I was arrested, I was incarcerated in the San Mateo county jail. That incarceration lasted for seven months, and ended only when federal charges were filed. That was seven months with little to do but look intensely at my charges, myself, my life and what had brought me from a successful and flourishing career to being locked in a cell with a convicted serial rapist, wearing underwear that wasn't my own and not being able to enjoy even an hour under any light but the artificial light of the jail.

After the numbing shock eased enough, I wrote to my brother, Scott. He is the person that I called after the arrest, to let him know what was happening and what I had done. I share what I wrote to him here because it arose in the moment and expresses my emotional and mental state more clearly than trying to re-create it. It is significant in this context because being in that mental state is both what led me to seek help and served as a sort of touchstone for knowing if the help was *actually* help and not a fig leaf.

In the letter, I spoke of the remorse I felt, and what at the time felt like a loss of anything that could be called a life. The inability to deal with those thoughts and feelings in any constructive way struck me as a pattern that I only then really saw clearly:

...the problem is that it is too intense for me to do anything with it: It burns every time I touch it. So it gets walled off, to be examined for a moment when I think I can, then put down again without really understanding it because the blisters are already forming. I don't think I ever learned to do anything with truly painful thoughts other than wall them off. The problem is that means they never get understood, and so never lose their ability to burn, and also never *teach* me anything.

Anyway, that's what I've spent a lot of time looking at, thinking that may be where I need to start and where I should look at learning how to better function....

When I was in college, I had the amazing fortune to study directly with a well known Buddhist teacher on a several week retreat, as part of my major (philosophy.) At the time I was more interested in the concepts than the religion or the practice. But, sitting in that cell, with those thoughts and the intensity of everything I was feeling, the simple meditation practices she taught came back to me.

I cannot over emphasize how helpful that was in those days. I was on my own and working from vague memories of the meditation practices she discussed, but it became a daily practice for me, and one that helped me begin to untangle a lot of both my current situation and my past, and finally be able to simply acknowledge things I had never let myself even look at before, like being a victim of sexual abuse when I

was very young. That practice became more directed and focused when I was allowed to pursue it outside of confinement, which I will discuss below.

During this same time, a "class" was offered by San Mateo County, presented by the Enneagram Prison Project. That program is one approved by the state of California as a way to combat recidivism. Their own description of their work and purpose is:

"Rehabilitation happens from the inside out. With the Enneagram as a map, the incarcerated have a chance to see and understand the thought processes, emotional drives, and behaviors that drove them to incarceration. With the guidance of Enneagram Prison Project's caring teachers and progressive curriculum, these men and women can begin to make different choices, transforming the often unconscious drives that contributed to their incarceration and ongoing struggles."

Putting it into my own words, the Enneagram offers a sort of grid that you can overlay on your personality and behavior patterns, finding enough correspondences to give you one of nine personality and pattern types to serve as a model. That model can then be used to better understand those patterns and begin to change them.

The class met once a week, with homework in between, which homework included intensive exercises in self-reflection. To be honest, I originally took the class just to get out of the cell. The third class, however, I came across a description of how one of the personality types started spiraling into progressively more unhealthy spaces. That pattern described, all too well, what my internal life looked like in the timeframe leading up to my arrest.

I share that description here in hopes that the parallels with my situation --as disclosed in other sources-- is clear, so that the impact of reading what came across almost as a self-description is also clear ("levels" are a way to sort of put healthy and unhealthy patterns for specific types onto a continuum):

Level 5: Increasingly detached as they become involved with complicated ideas or imaginary worlds. Become preoccupied with their visions and interpretations rather than reality. Are fascinated by off-beat, esoteric subjects, even those involving dark and disturbing elements. Detached from the practical world, a "disembodied mind," although high-strung and intense.

Level 6: Begin to take an antagonistic stance toward anything which would interfere with their inner world and personal vision. Become provocative and abrasive, with intentionally extreme and radical views. Cynical and argumentative.

Level 7: Become reclusive and isolated from reality, eccentric and nihilistic. Highly unstable and fearful of aggressions: they reject and repulse others and all social attachments.

Level 8: Get obsessed yet frightened by their threatening ideas, becoming horrified, delirious, and prey to gross distortions and phobias.

The increasing isolation, detachment from anything but mental worlds and everything else put words to a pattern that I had experienced my entire life. A pattern that had been at its worst and most acute in the time leading up to my arrest, a time during which my actions gave rise to the charges in this case.

That pattern had been labeled previously as "depression," but that single word didn't offer any tools or ways to directly recognize and therefore change those patterns. Here, for the first time, was something that seemed to be addressing me specifically. I started attending the classes with honest engagement and started doing the homework assignments earnestly.

I was unable to attend the last class because I was transferred to federal custody a few days before it was scheduled. There was a final homework assignment though, which I completed and took with me when I was transferred to Santa Rita. As a side note, in Santa Rita there was a book called "the Buddha and his Teachings." I spent much of my time in Santa Rita reading that book, and applying the techniques there to my rudimentary meditation practices.

Oddly, when I was released to my parents and into the supervision of pre-trial services, there was some fear. I had started to find tools that worked, tools that I was able to focus on and that gave me clarity even when that clarity was painful in showing how deeply seated things were that I had to work on. The fear was that it would be too easy to let that go, to feel like "I'm out now, this can all wait."

Instead of letting that happen, my first week out I made a priority of three things: 1) getting my prescription of Prozac refilled (I got the prescription in San Mateo County, and was unable to even be evaluated for it during my shorter stay in Santa Rita.) 2) Contacting, if possible, that Buddhist teacher, and 3) Contacting the Enneagram Prison Project and turning in that last assignment.

I did all three, with happy results.

First, the Prozac, while not an answer in itself, does take the edge off my thoughts and feelings enough that it is easier to work with and through them.

Second, that teacher (the Venerable Thubton Chodron) was more than willing to re-engage with me. She has, since that class some 20 plus years ago, started a monastery in the United States and co-written several books with the Dalai Lama. More relevantly, she started a program to help currently incarcerated prisoners learn about and beneficially practice some of the Buddhist techniques and insights. She has also co-written a book with one such prisoner who was convicted of sex crimes against a child and is currently serving a federal sentence.

I was very open about my charges, and about what led me to seek her out again, and she has been more than gracious in giving her time and insight as I work through all of this. That grace has shown up not only in her personal time and correspondence, but in inviting me to participate in several virtual retreats and weekly virtual teachings. Just as an example of how helpful this has been: A large part of the tradition she teaches from entails "analytic meditation," where a very close and systematic look is given to the real sources of our perceptions and our emotions. The first retreat I participated in was a retreat applying this systematic approach to "Forgiveness and Guilt." Those thoughts that I described to my

brother, that were too painful to even sit with for long, were the very thing I focused on in that retreat. That form of meditation has become a daily and immensely useful practice for me, and I continue to attend the virtual teachings and correspond with her.

Third, I looked up the Enneagram Prison Project online and contacted them. I got into touch with the teachers I had met in San Mateo County and turned in that homework assignment, by way of fax. It turns out that the Enneagram Prison Project has a weekly meeting (virtual currently because of Covid) that serves as an extension of the classes on "the inside." Those weekly meetings are attended largely by convicts who have served their sentence and found the program helpful both inside and outside prison. Those convicts that I speak with weekly about all of this range from low level drug offenders to a man who was serving 25 to life for kidnapping and murder. To be blunt, the discussions and exercises I find there have been more directly relevant and honest and unvarnished than any more "traditional" therapy session I had attended before. The program, approved by the state of California, also offers more in-depth help and the equivalent of one-on-one sessions, which have been offered to me.

Finally, I also attend the weekly group sessions and weekly individual sessions with the HOPE program as part of my pre-trial release agreement. The individual session especially is helpful. Because it gives an opportunity to speak out loud some of the insights and revelations and difficulties that are uncovered in those other programs and practices, the effectiveness of that individual session is increased immensely by the other steps I am taking.

It is wrong to say that being arrested for the charges I was arrested for is a good thing. It is right to say though that that arrest was a proper response by society to my actions. It is also right to say that I would not have found this help, would not have found some of the internal freedom I am now finding, without that arrest. While it may sound trite --I always thought it was, when I first heard inmates say similar things-- I can honestly say that for finding these things I am actually grateful.

Whatever the future holds, these things described here will be a large part of it. Both because of that gratitude and because they are part of a larger commitment: whatever the future looks like "externally," my life will be one that more clearly reflects my values, values this internal work helps me to clarify and make real.

Respectfully,

Richard Hartman